

**From:** Binarystar@aol.com@inetgw  
**To:** Microsoft ATR  
**Date:** 11/21/01 6:50am  
**Subject:** Microsoft Settlement is Anti-Republican, Anti-Business

11/21/01

Dear Friends at the Department of Justice:

I am a former paralegal and law librarian. I am a long-time and relatively happy Windows user (with past experience in FORTRAN, COBOL, DOS, and Mac's Apple OS, and some familiarity with Linux). I am also a current America Online user, with past experience using Earthlink and MSN. So I have some informed perspective on the proposed antitrust settlement with Microsoft.

From the numerous press account summaries of the proposed DOJ settlement with Microsoft that I have read, I am convinced that the settlement will not end Microsoft's anti-competitive conduct. The settlement is anti-Republican and anti-business, surprising coming from a conservative Republican administration. Indeed, it appears like a re-run of the failed 1995 antitrust settlement brokered by the Clinton administration.

The settlement (and, by inference, the DOJ) is an object of ridicule in many online computer forums and magazines, even among Windows users. You are being portrayed as patsies for Microsoft. It is said that the DOJ has been directed by the Bush administration to end the suit because Microsoft is a big political money donor. Your settlement with Microsoft is viewed by computer-literate businesses and commentators as a capitulation.

I thought that Republican administrations favored increasing competition in various industries and increasing the numbers of small businesses. Microsoft's conduct throughout its history has been exactly the opposite, and I predict that if this settlement is implemented in its current form, new antitrust suits will arise in the future, necessitating DOJ intervention again. Among many other defects in the settlement, Microsoft appears free to continue its pattern of adopting and bundling imitations of 3rd party products, and then crushing 3rd party suppliers.

I am especially disturbed that you will allow Microsoft to "lock-in" the United States with its new and very anti-competitive and privacy-invasive "product activation" policies for Windows XP, restrictive licensing policies for businesses, attempts to force businesses to upgrade every two years, etc., etc. I thought a Republican administration wanted to help businesses!

By leaving MS Windows as the default monopoly operating system in the United States, you are giving unfair advantages to an operating system that even its users and defenders admit is full of security holes, buggy, unstable, priced beyond its actual worth, and marketed from a monopolistic posture. (Bear in mind, I'm a relatively sophisticated computer user, and I spend a lot of time

running diagnostics on my Windows system.)

Ironically, the rest of the world has already figured this out: in Europe, adoption of Linux is growing rapidly. The mayor of Mexico City recently announced that his city government and their public school system will adopt Linux, because Microsoft's high costs and restrictive licensing policies place Windows beyond their reach. The Chinese government refused to adopt Windows as its preferred operating system, and has chosen Linux, partially due to cost considerations, and partially due to fears that Microsoft will deliberately plant security holes in systems marketed to the Peoples Republic to assist the US military intelligence-gathering. A Chinese corporation in Hong Kong recently gave an interview to the press in which they said that they were abandoning their Windows servers and desktop computers in favor of Linux after a recent virus epidemic put half of their Windows servers out of business. A story from Kenya says that one of their primary computer development people is urging customers to adopt Linux---he says that Windows' costs will place it permanently beyond the reach of most African countries.

Many U.S. corporations have begun adopting Linux for their servers and desktops, including Amazon.com. You notice that the U.S. Defense Department isn't using the Windows Office Suite? They're using StarOffice, which can be used with Windows or Linux.

So, you'll say, what's the problem, if people don't like Windows, they can switch to Linux. But even though Linux and other competing systems are available in the U.S., they face formidable obstacles to adoption in this country because of the "most favored nation" position Microsoft has been allowed to seize. The current antitrust settlement will allow MS Windows to retain its unfair monopoly advantages in the U.S., making the adoption of competing systems like Linux far more difficult than they would be if the antitrust laws were enforced upon Microsoft.

Just for starters, Windows comes pre-installed in virtually every PC---to get a Linux computer or a dual boot computer with Windows and Linux, you must either special order it, or buy a Windows computer (priced accordingly!), uninstall Windows, and then install Linux yourself, or install a dual boot of both systems, a lengthy process that is not always safe for your computer, and a process that is very complicated for average computer users.

Why should the rest of the world have more freedom of choice with regard to their preferred computer operating systems than the U.S.? This is ridiculous. We're the richest country in the world, and we should have the greatest choice in computer operating systems, but we've allowed one company to flout our antitrust laws, circumvent weak settlement agreements, and become a monopoly.

Please, do not continue pursuing this settlement agreement. I hope that the nine states holding out against it continue to do so.

In conclusion, I am seriously considering switching to Linux. My current Windows Millenium system performs reasonably well (if I continuously monitor it for DLL problems, download patches, and fuss over it)--but I am not upgrading to a Windows XP system with invasive privacy intrusions, and I am very upset at the conditions that Microsoft is going to impose on businesses, including forced upgrades every two years, licensing of every desktop copy, etc., etc.

But I'm a relatively sophisticated user---what about the average consumer, trapped on Windows because the DOJ has, over the last decade, let Microsoft engineer its products and market them, so that it is very difficult to switch to other operating systems?

Can you imagine a situation in which the DOJ would give such advantages one variety of car? Allowing one car manufacturer to gain complete ascendancy over the U.S. market? Every car sold would be say, a DaimlerChrysler, and if you wanted another type of car, you would have to buy a kit, and laboriously remove parts of the car and its engine to install the car parts of your choice? No way.

Very sincerely,  
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